

provide for supplying the public buildings and grounds of the State with water," to Committee on Asylums.

On motion of Senator Homan, Senate adjourned to 9 o'clock to-morrow morning by the following vote:

YEAS—14.

Davenport,	Martin,	Shannon,
Harris,	McLane,	Stewart,
Henderson,	McDonald,	Stubbs,
Homan,	Moore,	Swain,
Lair,	Ross,	Tilson.

NAYS—13.

Buchanan,	Hightower,	Stubbs,
Burges,	Houston,	Terrell,
Burton,	Patton,	Weatherred,
Duncan,	Rainey,	Wynne.
Gooch,		

TWENTY-FIFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, May 4, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Duncan, the reading of the journal of yesterday was dispensed with.

Senate went into executive session.

(In Senate.)

On motion of Senator Cooper the Governor was informed that the Senate advises and consents to the appointments contained in his message of yesterday.

Senator Houston moved that the Senate inform the Governor that the Senate advises and consents to the nominations acted upon, made in his message of Tuesday. Adopted.

THE PRESIDENT—I desire to call attention to a statement in the "Statesman" newspaper of to-day, as follows: "By some hook or crook the the proceedings of the executive session of the Senate were printed in yesterday's Record. It was not the printer's fault, as he followed copy." This is a mistake. The proceedings of the executive session did not appear in the Record. The result of the session, as is usual, was by motion in open Senate, entered on the record, but no rule of secrecy as to proceedings was violated.

Senator Cooper moved to suspend rules to take up House bill No. 84, "An act to withdraw the public lands of the State of Texas from sale."

Senator Houston moved the previous question on taking up the bill out of its regular order. Motion seconded, and main question ordered.

Motion to take up was lost by the following vote, it requiring a two-thirds vote:

YEAS—15.

Buchanan,	Duncan,	Patton,
Burton,	Harris,	Shannon,
Cooper,	Henderson,	Stewart,
Davenport,	Hightower,	Stubbs,
Davis,	Martin,	Swain.

NAYS—12.

Gooch,	McLane,	Terrell,
Homan,	McDonald,	Tilson,
Houston,	Moore,	Weatherred,
Lair,	Ross,	Wynne.

On motion of Senator Stubbs, House bill No. 27, "An act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code and Code of Criminal Procedure of the State of Texas, with the Constitutions and Appendix thereto, and to make an appropriation therefor," was taken up and read first time.

On motion of Senator Stubbs, rules were suspended to read bill second time by the following vote:

YEAS—25.

Buchanan,	Lair,	Shannon,
Burton,	Martin,	Stewart,
Davenport,	McLane,	Stubbs,
Davis,	McDonald,	Swain,
Duncan,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Weatherred,
Homan,	Ross,	Wynne.
Houston,		

NAYS—none.

Bill read second time.

Senator Stubbs offered the following amendment: Strike out "\$2," and insert "\$2.50." Lost by the following vote:

YEAS—7.

Buchanan,	Duncan,	Ross,
Burton,	McDonald,	Stubbs.
Davenport,		

NAYS—19.

Davis,	Lair,	Stewart,
Gooch,	Martin,	Swain,
Harris,	McLane,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Rainey,	Weatherred,
Homan,	Shannon,	Wynne.
Houston,		

On motion of Senator Stubbs, rules were suspended to put bill on its third reading, by the following vote:

YEAS—28.

Buchanan,	Homan,	Shannon,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Duncan,	McLane,	Terrell,
Gooch,	McDonald,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,	Ross,	

NAYS—none.

Bill read third time, and passed by the following vote:

YEAS—28.

Buchanan,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—none.

The President signed the following bill: Substitute Senate bill No. 43, "An act to provide for the purchase and repair of buildings for the accommodation of the different departments of the State government until such time as the new State capitol shall be completed."

Also, Senate bill No. 26, "An act to provide for the destruction of certain engraved bonds of the State, engraved under act approved April 21, 1879," which were never used.

A message was received from the House announcing the passage by that body of the following bills:

House bill No. 59, "An act for the the relief of persons, firms, or associations of persons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers, where they have been or may be prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor."

Senate bill No. 50, "An act to release certain inhabitants of Plano, county of Collin, from the payment of taxes assessed and now due for the year 1881, in consequence of a great public calamity."

Senate bill No. 41, "An act to ascertain the deficiencies of the several department of the State government for the year ending February 28, 1882, and amounts due individuals, and appropriate money to pay the same."

Also, that House refuses to concur in "second, third, fourth and fifth Senate amendments to House bill No. 97, to provide for the construction of the new State capitol."

Senate bill No. 45, "An act to amend an act to set aside the public lands embraced within the territorial limits of the county of Greer to educational purposes and for the payment of the public debt," was taken up and read the second time.

Senator Duncan offered the following amendment: Strike out "educational purposes" and insert "free school purposes."

Senator Homan offered the following amendment: In second section strike "1836" and insert "1837."

A message was received from the House announcing that the House concurs in Senate amendments 1, 3 and 7 to substitute House bill No. 66, known as the appropriation bill.

Also, that it refuses to concur in Senate amendments 2, 4, 5, 6, 8, 9 and 10 of said bill.

Also, that the House requests the Senate to return Senate bill No. 66 for correction.

On motion of Senator Houston, designated bill was returned.

A message was received from the House informing the Senate that the House has not changed its views on Senate amendments to Senate bill No. 66.

(Senator Homan in the chair.)

Senator Houston moved the previous question on the pending amendments of Senators Duncan and Homan on Senate bill No. 45. Motion seconded and main question ordered.

Senator Duncan's amendment was adopted by the following vote:

YEAS—25.

Buchanan,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Wynne.
Hightower,		

NAYS—1.

Rainey.

Senator Homan's amendment was adopted.

Bill ordered engrossed by the following vote:

YEAS—16.

Buchanan,	Lair,	Shannon,
Burton,	McLane,	Stewart,
Cooper,	McDonald,	Swain,
Davenport,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Homan,	Ross,	Wynne.

NAYS—8.

Davis,	Hightower,	Rainey,
Duncan,	Houston,	Weatherred.
Harris,	Martin,	

Senator Terrell moved to suspend the rules to read the bill the third time, and moved the previous question on suspension of rules to read third time. Motion seconded, and main question ordered.

The Senate refused to suspend the rules by the following vote, it requiring a four-fifths vote to suspend in this case:

YEAS—21.

Buchanan,	Gooch,	Homan,
Burton,	Henderson,	Lair,
Cooper,	Hightower,	Martin,

McLane,	Ross,	Swain,
McDonald,	Shannon,	Terrell,
Moore,	Stewart,	Tilson,
Patton,	Stubbs,	Wynne.

NAYS—6.

Davenport,	Harris,	Rainey,
Duncan,	Houston,	Weatherred.

Senator Ross called up substitute House bill No. 66, being the appropriation bill, and moved that the Senate insist on the amendments in which the House refused to concur.

(President Storey in the chair.)

Senator Gooch called for a division of amendments.

On motion of Senator Gooch, the Senate receded from second amendment.

Senator Duncan moved that the Senate recede from the fourth amendment. Lost by the following vote:

YEAS—13.

Davis,	Homan,	Rainey,
Duncan,	Houston,	Shannon,
Gooch,	Lair,	Swain,
Harris,	Martin,	Tilson.
Hightower,		

NAYS—15.

Buchanan,	McLane,	Stewart,
Burton,	McDonald,	Stubbs,
Cooper,	Moore,	Terrell,
Davenport,	Patton,	Weatherred,
Henderson,	Ross,	Wynne.

Senator Stubbs moved that the Senate insist on fourth amendment.

Senator Patton made the point of order that Senator Duncan was out of order in referring to the action of the House. Sustained.

The motion to insist was adopted by the following vote:

YEAS—16.

Buchanan,	McLane,	Stubbs,
Burton,	McDonald,	Swain,
Cooper,	Moore,	Terrell,
Gooch,	Patton,	Weatherred,
Henderson,	Stewart,	Wynne.
Lair,		

NAYS—12.

Davenport,	Hightower,	Rainey,
Davis,	Homan,	Ross,
Duncan,	Houston,	Shannon,
Harris,	Martin,	Tilson.

The Senate insisted on fifth amendment.

Senator Duncan moved the previous question. Motion seconded and main question ordered.

Motion to insist adopted by the following vote:

YEAS—16.

Cooper,	Hightower,	Ross,
Davenport,	Houston,	Shannon,
Davis,	Martin,	Terrell,
Duncan,	McDonald,	Tilson,
Harris,	Rainey,	Weatherred,
Henderson,		

NAYS—11.

Buchanan,	Lair,	Stewart,
Burton,	McLane,	Stubbs,
Gooch,	Moore,	Swayne.
Homan,	Patton,	

Senator Terrell asked that the following reasons for his vote on the motion to insist be spread upon the journal:

On the motion to insist on the Senate amendment striking out appropriation of House for portraits of the Presidents and Governors of the Republic and State, I vote aye, because the artist will not part with the portraits at so inadequate a price, and I believe the time will soon arrive when his works of art will be appreciated and paid for as they deserve.

TERRELL.

Senator Ross moved that the Senate insist upon sixth amendment. Adopted.

Senator Ross moved that the Senate insist on all the remaining amendments. Adopted.

Senator Houston moved that the President appoint a committee of three Senators on the part of the Senate, to act with a like committee of three from the House, as a free conference committee to consider the disagreement between the two houses on the House appropriation bill. Adopted.

The President appointed on said committee Senators Ross, Harris and Henderson.

Senator Shannon, chairman of Committee on Internal Improvements, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Internal Improvements, to whom was referred substitute House bill No. 4, entitled 'An act to provide a board of commissioners of railroads, to prescribe their duties and powers, and fix their salaries,' have had the same under consideration, and I am instructed by a majority thereof to report it back to the Senate with the recommendation that it do not pass.

SHANNON, Chairman.

Bill read first time with unfavorable report.

Senator Henderson moved to suspend rules and take up House bill No. 44, "An act to provide for supplying the public buildings and grounds of the State with water." Adopted and bill taken up and read first time.

Senator Homan moved to suspend rules to place bill on its second reading. Adopted by the following vote:

YEAS—27.

Buchanan,	Homan,	Ross,
Cooper,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Bill read second time.

On motion of Senator McLane, first committee amendment to House bill No. 44 was adopted.

The second committee amendment to the same bill was adopted.

The bill passed to its third reading.

On motion of Senator Gooch, rules were suspended to put the bill on its final passage by the following vote:

YEAS—26.

Buchanan,	Homan,	Ross,
Cooper,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	

NAYS—1.

Wynne.

Bill read third time and passed by the following vote:

YEAS—20.

Buchanan,	Homan,	Ross,
Cooper,	Houston,	Shannon,
Davenport,	Lair,	Stewart,
Davis,	Martin,	Stubbs,
Duncan,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	

NAYS—1.

Wynne.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, May 4, 1882.

To the Honorable Senate of the State of Texas:

I herewith submit to your honorable body, for your advice and

confirmation, some additional names for the office of notaries public, to hold until June 1, 1883:

Malcom McGregor, in Washington county.

James H. Mead and John J. Word, in Anderson county.

L. C. Clifton, in Wood county.

J. H. G. Long, in Lamar county.

I also beg leave to withdraw from the consideration of your honorable body the names of Philip Reichert, in Robertson county, and L. F. Harwood, in Gonzales county, heretofore submitted for confirmation, the name of L. F. Harwood having been sent in by mistake.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Gooch moved that the Senate go into executive session, on the appointments of the Governor, to-morrow morning after morning call. Adopted.

A message was received from the House announcing that Messrs. Baker, Wurzbach and Stewart of Hopkins had been appointed upon the part of the House to consider, in a committee of free conference, the disagreement of the two houses upon the House appropriation bill.

The President signed substitute House bill No. 29, "An act to amend article 3602, chapter 10, title 27, of the Revised Civil Statutes of the State of Texas relating to the hiring of county convicts."

Senator Duncan moved to reconsider the vote by which the Senate refused to suspend rules to read Senate bill No. 45, "setting aside public lands in the county of Greer for educational purposes and for the payment of the public debt," a third time. Adopted and vote reconsidered.

Senator Houston moved the previous question on amendments and report of committee. Motion seconded and main question ordered.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared substitute Senate bill No. 43, "An act to provide temporary capitol buildings for the use of the several departments and branches of the State government, and to make an appropriation therefor," and find the same correctly enrolled and properly signed, and on this day, at 10:20 o'clock a. m., presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 26, "An act to provide for the destruction of certain engraved bonds of the State, which were never used, engraved under acts approved August 5, 1870, and April 21, 1879," and find the same correctly enrolled and properly signed, and on this day, at 10:20 o'clock a. m., presented the same to the Governor for his signature.

COOPER, Chairman.

The Senate refused to adopt the report of the committee on Senate bill No. 45.

On motion of Senator Gooch the bill was laid on the table subject to call.

The President laid before the Senate, Senate bill No. 81, "An act to supply the deficiency for the support and maintenance of the Prairie View Normal Institute, and to pay for repairs for damages to said institute, caused by the late storm," on its second reading.

Senator Buchanan moved to lay bill on table subject to call. Adopted.

The President laid before the Senate, Senate bill No. 48, "An act to repeal sections 2, 3, 4, 5, 6, 7, 8, 9 and 10 of an act entitled 'an act to provide for the sale of a portion of the unappropriated lands of the State of Texas and the investment of the proceeds of such sales, approved July 14, 1879,' and section 6, of an act amendatory thereof, passed March 11, 1881."

Senator Duncan moved to substitute House bill No. 84; of like import, for pending bill.

Senator Homan moved a call of the Senate. Call seconded.

Roll called; absent, Senators Burges, Burton, Davis, Henderson Houston and Ross,
Pending bill went to the table.

The President laid before the Senate Senate bill No. 46, "An act to provide for the leasing of the school lands," on its second reading. Read second time and ordered engrossed.

On motion of Senator Gooch, rules were suspended to place bill on its third reading by the following vote:

YEAS—21.

Buchanan,	Lair,	Stewart,
Cooper,	Martin,	Stubbs,
Duncan,	McLane,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Shannon,	Wynne.

NAYS—2.

Davenport,	Davis,	Rainey.
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Bill read third time and passed by the following vote:

YEAS—22.

Buchanan,	Lair,	Stewart,
Burton,	Martin,	Stubbs,
Cooper,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Hightower,	Shannon,	Wynne.

NAYS—4.

Davenport,	Davis,	Rainey.
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On motion of Senator Tilson, Senate adjourned till 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called; quorum present.

Senator Patton, chairman of Committee on Engrossed bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined Senate bill No. 46, "An act to provide for leasing the school lands," and find the same correctly engrossed.

PATTON, Chairman.

The committee on free conference appointed to settle the differences between the two houses upon House bill No. 66, submitted the following report.

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate, and Hon. George R. Reeves, Speaker of the House of Representatives:

Your committee on conference, to whom was referred the differences between the two houses upon House bill No. 66, have considered the same, and recommend that the Senate do recede from Senate amendments Nos. 4, 6 and 9, and that the House do concur in Senate amendments Nos. 5, 8 and 10.

Respectfully submitted,

B. M. BAKER,
For House Committee.

L. S. ROSS,
J. N. HENDERSON,
A. W. HOUSTON,
Senate Committee.

Agreed to, except as to several items in Asylum appropriation No. 8.

C. L. WURZBACH,
S. W. STEWART.

Senator Ross moved to adopt the report of the committee. Adopted.

Senator Cooper, for Committee on Public Lands, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands, to whom was referred Senate Bill No. 49, have considered the same, and have instructed

me to report to the Senate the following substitute for said bill, with the unanimous recommendation that the same do pass.

COOPER, for Committee.

Senator Houston entered motion to reconsider the vote by which Senate bill No. 45, relative to setting aside the public lands within the territorial limits of Greer county, etc., was lost.

Senator Cooper moved to suspend the rules and take up Senate bill No. 49, providing for the sale of lands surveyed and to be surveyed for the common schools, on its second reading. Adopted by the following vote:

YEAS—20.

Buchanan,	Hightower,	Rainey,
Burges,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.

NAYS—none.

Bill read second time and ordered engrossed.

Senator Houston moved to reconsider the vote engrossing the bill. Adopted, and the bill reconsidered.

Senator Cooper offered the following amendment: "The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted." Adopted.

Bill ordered engrossed.

Senator Cooper moved to suspend the rules to place the bill on its third reading. Adopted by the following vote:

YEAS—27.

Buchanan,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Harris,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

Bill read third time.

Senator Harris offered the following amendment: Add, "and no timbered land shall be sold for less than five dollars per acre."

Senator Davenport offered the following amendment to the amendment: Insert before the word "timbered" the word "pine."

Accepted, and amendment as amended adopted by the following vote:

YEAS—22.

Buchanan,	Houston,	Shannon,
Burges,	Lair,	Stubbs,
Burton,	Lightfoot,	Swain,
Davenport,	McLane,	Terrell,
Davis,	Moore,	Tilson,
Harris,	Rainey,	Weatherred,
Hightower,	Ross,	Wynne.
Homan,		

NAYS—4.

Cooper,	Gooch,	Stewart.
Duncan,		

Senator Tilson offered the following amendment:

Amend next to last section by inserting at close of said section the following: "And that all laws and parts of laws in conflict with this act be and they are hereby repealed."

Senator Homan offered the following substitute for the amendment: "And so much of any laws now in force as authorized the sale of pine timbered lands for less than five dollars an acre, is hereby repealed."

Substitute accepted, and amendment as substituted adopted by the following vote:

YEAS—25.

Buchanan,	Homan,	Ross,
Burges,	Houston,	Shannon,
Burton,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	Moore,	Tilson,
Gooch,	Patton,	Weatherred,
Harris,	Rainey,	Wynne.
Hightower,		

NAYS—3.

Cooper,	McDonald,	Stewart.
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Bill read third time and passed by the following vote:

YEAS—27.

Buchanan,	Hightower,	Rainey,
Burges,	Homan,	Shannon,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.

NAYS—none

Senator Duncan moved to substitute House bill No. 84 for Senate bill No. 48, on the same subject, to withdraw public lands from sale.

Message received from the House giving notice of the passage by that body of the House joint resolution No. 2, providing for a branch University for colored youths.

Also, that the House concurs in Senate amendments to House bill No. 44, "An act to supply the public buildings with water."

Also, that the House refuses to adopt the report of the conference committee on substitute House bill No. 66, the same being the general appropriation bill, asks for a committee of free conference, and that Messrs. Baker, Wurzbach, Stewart, Barry and McComb have been appointed as such committee on part of the House.

Senator Houston moved that the President appoint on the part of the Senate a committee of free conference of five, to act with a like committee on the part of the House, to consider the disagreements of the two houses on Senate amendments to House bill No. 68. Adopted.

The President reappointed the former committee and added to their number Senators Buchanan and Terrell.

The President referred House joint resolution No. 2, just reported from House, to Committee on Educational Affairs.

On motion of Senator Duncan, Senate bill No. 48 was taken up, and House bill No. 84, of like import, was substituted for it, being "An act to withdraw the public lands of the State of Texas from sale."

On motion of Senator Terrell, rules were suspended to place bill on its second reading by the following vote:

YEAS—24.

Buchanan,	Lair,	Shannon,
Davis,	Martin,	Stewart,
Duncan,	McLane,	Stubbs,
Gooch,	McDonald,	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Rainey,	Weatherred,
Houston,	Ross,	Wynne.

NAYS—3.

Cooper,	Davenport.
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Senator Terrell offered the following amendment: Strike out line 27 and subsequent lines of the first section.

(Senator Houston in the chair.)

(The President in the chair.)

President signed House bill No. 51, "An act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Statutes."

Also, Senate bill 41, "An act to ascertain the deficiencies of the several departments of the State government for the year ending February 28, 1882, and amounts due individuals, and appropriate money to pay the same."

Senator Homan raised point of order that Senator Duncan had made several speeches, and he himself had not made one for a week, and claimed the floor. Sustained.

Senator Stubbs moved a call of the Senate; call seconded. Rolled called. Absent, Senator Cooper.

Bill went to the table.

Senator Stubbs, for Committee on Education, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Education, to whom was referred House joint resolution No. 2, providing for an election to be held for the location of a branch of the University for the instruction of the colored youths of the State, have considered the same, and instruct me to report it back and recommend its passage.

STUBBS, for Committee.

Resolution read first time.

On motion of Senator Terrell, Senator Cooper was excused by the following vote:

YEAS—25.

Buchanan,	Lair,	Shannon,
Burges,	Martin,	Stewart,
Burton,	McLane,	Stubbs,
Davis,	McDonald,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Tilson,
Hightower,	Rainey,	Weatherred,
Homan,	Ross,	Wynne.
Houston,		

NAYS—3.

Davenport,	Duncan.
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Senator Terrell's amendment, to strike out line 27 and subsequent lines of the first section, adopted by the following vote:

YEAS—22.

Buchanan,	Houston,	Stewart,
Burges,	Lair,	Stubbs,
Burton,	McDonald,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Weatherred,
Hightower,	Ross,	Wynne.
Homan,		

NAYS—6.

Davenport,	Duncan,	McLane,
Davis,	Martin,	Shannon.

Senator Gooch offered the following amendment: Strike out all after the words "but the same shall be construed" down to the proviso, and insert the words "but the same shall be continued to be reserved under the aforesaid reservation acts for the public free schools, and for the payment of the public debt in equal portions." Adopted.

Senator Hightower offered the following substitute for caption of bill: "An act to withdraw from sale the public lands of the State of Texas set apart for sale by an act entitled 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale, approved July 14, 1879,' and by an act amendatory thereof, approved March 11, 1881." Adopted.

Senator Gooch moved to suspend rules to put bill on the third reading.

Senator — moved call of the Senate; call seconded. Roll called. Absent, Senators Houston and Terrell. Pending bill went to the table.

Senator Homan moved to suspend rules to take up House joint resolution No. 2, "providing for holding an election for the location of a branch of the University for colored youths." Adopted by the following vote:

	YEAS—23.	
Burges,	Homan,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Gooch,	McDonald,	Tilson,
Harris,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.
Hightower,	Rainey,	

NAYS—1.

Duncan.

Resolution read second time and passed to third reading.

Senator Homan moved suspension of the rules in put the resolution on its final passage, by the following vote:

	YEAS—25.	
Buchanan,	Henderson,	Rainey,
Burges,	Homan,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Martin,	Stubbs,
Davenport,	McLane,	Swain,
Davis,	McDonald,	Tilson,
Duncan,	Moore,	Weatherred,
Gooch,	Patton,	Wynne.
Harris,		

NAYS—1.

Hightower.

Resolution read third time.

Senator Homan offered the following amendment: Add section 4:

Section 4. The near approach of the end of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended; and it is so suspended.

Adopted by the following vote:

	YEAS—26.	
Buchanan,	Henderson,	Rainey,
Burges,	Hightower,	Shannon,
Burton,	Homan,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Tilson,
Duncan,	McDonald,	Weatherred,
Gooch,	Moore,	Wynne.
Harris,	Patton,	

NAYS—none.

Resolution adopted by the following vote:

	YEAS—27.	
Buchanan,	Henderson,	Rainey,
Burges,	Hightower,	Shannon,
Burton,	Homan,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.

NAYS—none.

On motion of Senator Duncan the call of the Senate was suspended by the following vote:

	YEAS—24.	
Buchanan,	Hightower,	Shannon,
Burges,	Homan,	Stewart,
Burton,	Lair,	Stubbs,
Cooper,	Martin,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—3.

Davenport, Davis, McLane.

Senator Harris moved to suspend the rules to place the bill, pending the call of the Senate, being Senate deficiency bill, on its final passage.

Adopted.

Bill read third time and passed by the following vote:

	YEAS—22.	
Buchanan,	Cooper,	Harris,
Burges,	Duncan,	Henderson,
Burton,	Gooch,	Hightower,

Lair,	Rainey,	Terrell,
Martin,	Stewart,	Tilson,
McDonald,	Stubbs,	Weatherred,
Moore,	Swain,	Wynne.
Patton,		

NAYS—4.

Davenport, Davis, McLane, Shannon.

Senator Duncan moved to suspend the rules to take up House bill No. 4, being the railroad commission bill, unfavorably reported this morning.

Senator Harris moved a call of the Senate. Call seconded. Roll called; Senate full.

A message was received from the House containing the following report of the free conference committee on substitute House bill No. 66:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate, and Hon. George R. Reeves, Speaker of the House of Representatives:

Your committee on free conference, to whom referred the differences between the two houses upon substitute House bill No. 66, have considered the same and respectfully report and recommend that the Senate do recede from Senate amendments Nos. 4, 6 and 9, and that the House do concur in Senate amendment No. 5. Your committee further recommends that the Senate amendment No. 8 be amended so as to read as follows: "For purchasing provisions and supplies for the Lunatic Asylum, in addition to appropriation for for year ending February 28, 1883, \$6500."

And, that Senate amendment No. 10 be so amended as to read as follows: "To C. F. Millett, for fitting up Senate chamber, and for furniture for same, \$1389.60. To Travis Lodge, No. 1005, Knights of Honor, Lone Star Lodge No. 1, Ancient Order of United Workmen, for use of the Senate chamber, and repairs, from March 27 to May 10, 1882, \$730.50; and that said amendments 8 and 10, as amended, be adopted by the House."

BAKER,	A. W. HOUSTON,
WURZBACH,	L. S. ROSS,
MCCOMB,	A. W. TERRELL,
STEWART of Hopkins,	JNO. N. HENDERSON,
BARRY,	JNO. C. BUCHANAN,

For House.

For Senate.

Senator Houston moved to suspend pending business to take up the report of the free conference committee. Adopted.

Senator Davis moved to adopt the report of the committee. Adopted.

Senator Davis moved the previous question on the motion to suspend rules. Motion seconded and main question ordered.

The Senate refused to suspend the rules by the following vote, it requiring a two-thirds vote to suspend:

	YEAS—19.	
Buchanan,	Homan,	Shannon,
Cooper,	Lair,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—10.

Burges,	Houston,	Ross,
Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,		

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, May 4, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 41, "An act to ascertain the deficiencies of the several departments of the State Government for the year ending February 28, 1882 and amounts due individuals, and to make appropriations to pay the same," and find the same correctly enrolled and properly signed, and at 4:50 o'clock p. m. this day presented the same to the Governor for his signature.

COOPER, Chairman.

On motion of Senator Harris, Senate adjourned till 8 o'clock p. m.

EVENING SESSION.

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE,
AUSTIN, May 4, 1882. }

To the Honorable Senate of the State of Texas:

I herewith submit to your honorable body, for confirmation, as notaries public, the names of the following persons:

Geo. W. Brown, Medina county.

B. R. Webb, Callahan county.

Very respectfully,

O. M. ROBERTS, Governor.

Senator Cooper moved to reconsider the vote passing substitute Senate bill No. 49, "for the sale of public lands." Adopted, and the bill reconsidered.

Senator Cooper offered the following amendment: Amend by adding after the word "application" as follows: "Provided, that the purchaser may have the privilege of paying the entire amount of the appraised value of said land at the dates of purchase, or such amounts of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note."

Adopted by the following vote:

YEAS—21.

Buchanan,	Homan,	Ross,
Cooper,	Lair,	Stewart,
Davis,	Martin,	Swain,
Duncan,	McLane,	Terrell,
Harris,	McDonald,	Tilson,
Henderson,	Moore,	Weatherred,
Hightower,	Patton,	Wynne.

NAYS—2.

Burges, Davenport.

Bill passed by the following vote:

YEAS—24.

Buchanan,	Hightower,	Patton,
Burges,	Homan,	Ross,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Swain,
Davis,	Martin,	Terrell,
Duncan,	McLane,	Tilson,
Harris,	McDonald,	Weatherred,
Henderson,	Moore,	Wynne.

NAYS—none.

Senator Homan called up substitute House bill No. 97, "providing for the construction of capitol buildings, and to make an appropriation therefor."

Senator Terrell moved that the Senate recede from the second amendment of the Senate. Adopted.

Senator Terrell moved to insist on the third Senate amendment.

A message was received from the House announcing the passage of Senate joint resolution No. 2, granting leave of absence to Judge McAdoo, Hon. J. H. Davis and John C. Robertson.

Also, of Senate bill No. 47, "An act to suspend the collection of taxes due in organized counties from the year 1871 to 1876 inclusive."

Also, that the House concurs in Senate amendment to House joint resolution No. 2, "to provide for an election to locate a branch of the University of Texas for the colored youth."

Senator Patton moved that the Senate recede from the third Senate amendment to substitute House bill No. 97. Senate refused to recede by the following vote:

YEAS—14.

Burges,	Homan,	Shannon,
Burton,	Lair,	Swain,
Davenport,	Martin,	Tilson,
Davis,	McLane,	Weatherred.
Harris,	Patton,	

NAYS—15.

Buchanan,	Hightower,	Ross,
Cooper,	Houston,	Stewart,
Duncan,	McDonald,	Stubbs,
Gooch,	Moore,	Terrell,
Henderson,	Rainey,	Wynne.

The Senate insisted on third Senate amendment, by the following vote:

YEAS—19.

Buchanan,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Duncan,	McDonald,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Rainey,	Tilson,
Henderson,	Ross,	Wynne.

NAYS—10.

Burges,	Homan,	Patton,
Burton,	Martin,	Shannon,
Davenport,	McLane,	Weatherred.
Davis,		

Senator Terrell moved that Senate insist upon the fourth Senate amendment.

Senator Gooch moved previous question. Main question ordered.

Senate insisted on its fourth amendment to substitute House bill No. 97. Adopted by the following vote:

YEAS—22.

Buchanan,	Houston,	Shannon,
Burges,	McLane,	Stewart,
Cooper,	McDonald,	Stubbs,
Duncan,	Moore,	Swain,
Gooch,	Patton,	Terrell,
Harris,	Rainey,	Weatherred,
Henderson,	Ross,	Wynne.
Hightower,		

NAYS—6.

Burton,	Davis,	Lair,
Davenport,	Homan,	Martin.

Senator Terrell moved that the Senate insist upon the fifth Senate amendment. Adopted.

Senator Homan moved that the Senate concur in House amendment to Senate joint resolution No. 2. Adopted.

Senator — moved that the President appoint a free conference committee on substitute House bill No. 97. Adopted.

The President appointed Senators Ross, Duncan and Terrell.

Senator Gooch moved to suspend the rules to take up substitute House bill No. 4, railroad bill, it requiring a two-thirds vote. The motion was lost, by the following vote:

YEAS—19.

Buchanan,	Homan,	Shannon,
Cooper,	Lair,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Wynne.

NAYS—10.

Burges,	Houston,	Ross,
Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,		

The President laid before the Senate House bill No. 30, "An act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers,

agents and employees to deliver freight, goods, wares and merchandise on the payment of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act." Bill read second time, with committee amendments.

Senator Henderson moved the previous question. Motion seconded, and main question ordered.

First committee amendment lost by the following vote:

YEAS—12.

Cooper,	McLane,	Ross,
Davenport,	Moore,	Stewart,
Davis,	Patton,	Swain,
Houston,	Rainey,	Weatherred.

NAYS—10.

Buchanan,	Henderson,	McDonald,
Burges,	Hightower,	Shannon,
Burton,	Homan,	Stubbs,
Duncan,	Lair,	Tilson,
Gooch,	Martin,	Wynne.
Harris,		

Senator Henderson raised the point of order that the Senate was acting under the previous question, and debate was not in order.

Senator Duncan raised the point of order that the motion on the previous question was general, and applied only to first amendment. Sustained.

Second committee amendment was adopted by the following vote:

YEAS—27.

Buchanan,	Hightower,	Ross,
Burges,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—2.

Burton, Homan.

Senator Henderson moved the previous question on passage of bill to third reading. Motion seconded and main question ordered.

Bill passed to third reading by the following vote:

YEAS—21.

Buchanan,	Hightower,	Ross,
Burges,	Homan,	Shannon,
Cooper,	Houston,	Stubbs,
Duncan,	Lair,	Swain,
Gooch,	Martin,	Terrell,
Harris,	McDonald,	Tilson,
Henderson,	Patton,	Wynne.

NAYS—8.

Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,	Rainey,	

Senator Duncan moved to suspend the rules to take up House bill No. 4, being a railroad bill. Lost by the following vote:

YEAS—19.

Buchanan,	Homan,	Shannon,
Cooper,	Lair,	Stubbs,
Duncan,	Martin,	Swain,
Gooch,	McDonald,	Terrell,
Harris,	Patton,	Tilson,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—10.

Burges,	Houston,	Ross,
Burton,	McLane,	Stewart,
Davenport,	Moore,	Weatherred.
Davis,		

Senator Homan moved to suspend the rules to take up House bill 59, for the relief of liquor dealers in counties where the local option law has been adopted.

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Adopted, and bill taken up by the following vote:

YEAS—20.

Buchanan,	Hightower,	Ross,
Burges,	Homan,	Shannon,
Burton,	Houston,	Stewart,
Cooper,	Lair,	Stubbs,
Davenport,	Martin,	Swain,
Davis,	McLane,	Terrell,
Duncan,	McDonald,	Tilson,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,	Rainey,	

NAYS—none.

Bill passed to third reading.

On motion of Senator Homan, rules were suspended to read bill the third time, by the following vote:

YEAS—27.

Buchanan,	Henderson,	Rainey,
Burges,	Homan,	Ross,
Burton,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Martin,	Stubbs,
Davis,	McLane,	Swain,
Duncan,	McDonald,	Terrell,
Gooch,	Moore,	Tilson,
Harris,	Patton,	Weatherred.

NAYS—2.

Hightower, Wynne.

Bill read third time and passed by the following vote:

YEAS—28.

Buchanan,	Homan,	Ross,
Burges,	Houston,	Shannon,
Burton,	Lair,	Stewart,
Cooper,	Martin,	Stubbs,
Davenport,	McLane,	Swain,
Davis,	McDonald,	Terrell,
Duncan,	Moore,	Tilson,
Gooch,	Patton,	Weatherred,
Harris,	Rainey,	Wynne.
Henderson,		

NAYS—1.

Hightower.

On motion of Senator Henderson, the Senate adjourned till 9:30 a. m. to-morrow by the following vote:

YEAS—15.

Burges,	Houston,	Rainey,
Burton,	Lair,	Ross,
Davenport,	McLane,	Stewart,
Davis,	Moore,	Swain,
Henderson,	Patton,	Weatherred.

NAYS—14.

Buchanan,	Hightower,	Stubbs,
Cooper,	Homan,	Terrell,
Duncan,	Martin,	Tilson,
Gooch,	McDonald,	Wynne.
Harris,	Shannon,	

TWENTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, May 5, 1882. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Smoot, Chaplain.

On motion of Senator Burton the reading of the journal of yesterday was dispensed with.

The President signed the following bills: House bill No. 66 "An act making appropriations for the support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883.

House joint resolution No. 2, providing for an election to be held for the locating of a branch of the University for the instruction of the colored youths of the State,